



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-3503 FAX (603) 271-2867



R.L. Spencer, Inc.  
222 Highbridge Street  
Fayetteville, NY 13066

Attn: Richard J. Bruno, Jr.

Re: Home Depot Construction  
Tilton, NH

**WITHDRAWAL OF NOTICE OF PROPOSED  
ADMINISTRATIVE FINE  
No. AF 02-005**

**AUGUST 9, 2002**

On February 14, 2002, the Department of Environmental Services, Water Division ("DES") issued Notice of Proposed Administrative Fine No. AF 02-005 ("the Notice") to R.L. Spencer, Inc. ("Spencer") pursuant to RSA 482-A:13 and Env-C 601.05. Based on further review by DES of the facts and law supporting its claims, DES hereby withdraws the Notice. DES has referred this matter to the New Hampshire Attorney General's Office for the imposition of civil penalties, or such other relief as may be appropriate, from a court of competent jurisdiction over the dispute, including but not limited to recouping the economic benefit realized by Spencer as a result of the violations that occurred during the construction of a retail store for Home Depot USA, Inc. in Tilton, New Hampshire. This withdrawal shall not be deemed a decision on the merits of the Notice, and shall not limit or otherwise restrict the remedy or relief that may be sought by the New Hampshire Attorney General.

**COPY**

Harry T. Stewart Director  
Water Division

*Certified Mail/RRR #7000 0600 0023 9936 4582*

cc: Gretchen Rule, DES Legal Unit  
Susan Alexant, DES Hearings & Rules Attorney  
Mary Ann Tilton, DES Water Division  
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Richard W. Head, DOJ/EPB  
Marjory Swope, NHACC  
Town of Tilton Board of Selectmen  
Tilton Conservation Commission  
Home Depot USA, Inc.  
Gove Environmental Services, Inc.  
Peter G. McGrath, Esq.